

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:23-cv-852-MOC**

ASHLEY M. BURNWELL,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
EMBASSY SUITES,)	
)	
)	
Defendant.)	
_____)	

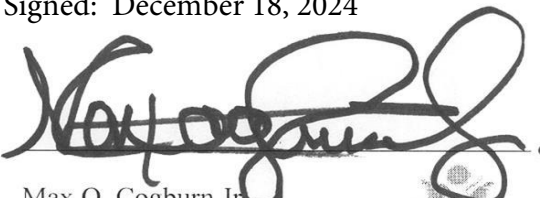
THIS MATTER is before the Court on a Motion to Dismiss by Defendant Embassy Suites. (Doc. No. 11).

In support of its motion, Defendant argues that this Court should dismiss Plaintiff's Complaint for four reasons: (1) the summons failed to include Plaintiff's address as required by Rule 4(a)(1)(C) of the Federal Rules of Civil Procedure; (2) a non-party did not attempt to serve Defendant with the summons and Complaint in accordance with Rule 4(c)(2); (3) Plaintiff's attempted service was untimely under Rule 4(m); and (4) the Court does not have personal jurisdiction over Defendant due to Plaintiff's failure to properly serve Defendant with sufficient process.

The Court agrees with Defendant that dismissal could be warranted for the above reasons. However, the Court finds that since Plaintiff is proceeding IFP, Plaintiff is entitled to have service issued by the U.S. Marshal. See FED. R. CIV. P. 4(c)(3). Upon receipt of the service packages, the U.S. Marshal's Service is directed to serve Defendant.

IT IS SO ORDERED.

Signed: December 18, 2024



Max O. Cogburn Jr.
United States District Judge

